

REMARKS

Claims 1-43 were originally filed in the present application. In the Restriction Requirement mailed February 23, 2006, the Examiner restricted Claims 1-43 into the following three groups:

Group 1) Claims 1-23 and 26-42, drawn to a transgenic plant and vector comprising a heterologous DNA encoding double stranded nematode RNA sequence, and a plant transformation method;

Group 2) Claims 24-25, drawn to animal feed, and

Group 3) Claim 43, drawn to a pharmaceutical composition derived from a transgenic plant. Restriction Requirement, page 2.

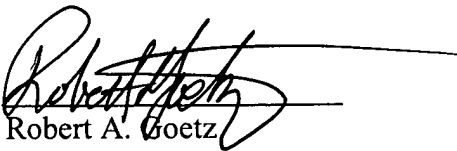
The Applicant herein elects, without traverse, to prosecute the claims of Group I. The Applicant also herein cancels Claims 24, 25 and 43 in order to further their business interests and the prosecution of the present application, while preserving the right to prosecute the canceled (or similar) claims in the future.

The Examiner further states, "For the invention of Group I, Applicant is also required to elect one of the following nematode sequences: A) nematode major sperm protein B) RNA Polymerase II C) Chitin synthase RNA D) nematode embryonic lethal phenotype gene E) nematode sterile phenotype gene." Restriction Requirement, page 2. The Applicants herein elect within Group I "D) nematode embryonic lethal phenotype gene." Claims 1-13, 15-23, 260-40, and 42 are readable upon the species selection. As this is a species election, the remaining non-elected species will be examined, should the elected species be found allowable.

CONCLUSION

As such, Claims 1-23 and 26-42 are pending and under examination following entry of Applicant's response to the outstanding Restriction requirement. Should the Examiner believe that a telephone interview would aid in the prosecution of this application Applicants encourage the Examiner to call the undersigned collect at (608) 218-6900.

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